



# STATE OF WISCONSIN Assembly Journal

## Ninety-Ninth Regular Session

11:49 A.M.

TUESDAY, February 16, 2010

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Pro Tempore Staskunas in the chair.

Representative Nelson asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Reverend Martin Childs of Pilgrim Rest Missionary Baptist Church in Milwaukee.

Representative Hebl led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 98.

Absent with leave – Representative Suder – 1.

Vacancies – None.

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### LEAVES OF ABSENCE

Representative Kleefisch asked unanimous consent for a leave of absence for today's session for Representative Suder. Granted.

### LEAVES OF ABSENCE

Representative Barca asked unanimous consent for a leave of absence for part of today's session for Representatives Milroy, Sinicki and Van Akkeren. Granted.

Representative Kleefisch asked unanimous consent for a leave of absence for part of today's session for Representative Roth. Granted.

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### AMENDMENTS OFFERED

Assembly amendment 3 to **Assembly Bill 296** offered by joint committee on **Finance**.

Assembly amendment 2 to **Assembly Bill 531** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 612** offered by Representatives Vruwink and Schneider.

Assembly amendment 3 to **Assembly Bill 648** offered by joint committee on **Finance**.

Assembly substitute amendment 1 to **Assembly Bill 656** offered by Representative Zepnick.

Assembly amendment 1 to **Assembly Bill 690** offered by Representative Dexter.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 754**

Relating to: an income and franchise tax credit for lumber manufacturing facility investments and making an appropriation.

By Representatives Friske, Clark, Meyer, Mursau, M. Williams, Molepske Jr., Berceau, Bies, Brooks, Nerison, A. Ott, Suder, Tauchen, Townsend and Vos; cosponsored by Senator Holperin.

To committee on **Forestry**.

## COMMITTEE REPORTS

The committee on **Corrections and the Courts** reports and recommends:

### Assembly Bill 468

Relating to: municipal court fees.

Passage:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

To joint committee on **Finance**.

### Assembly Bill 480

Relating to: creating a civil cause of action for acts of violence motivated by gender.

Assembly Amendment 5 adoption:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy and Brooks.

Noes: 2 – Representatives Kestell and LeMahieu.

To committee on **Rules**.

### Assembly Bill 558

Relating to: the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty.

Assembly Amendment 2 adoption:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch and Brooks.

Noes: 3 – Representatives Van Roy, Kestell and LeMahieu.

To committee on **Rules**.

### Assembly Bill 559

Relating to: notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

To committee on **Rules**.

### Assembly Bill 594

Relating to: notifying a law enforcement agency when certain persons are released from the custody of the Department of Corrections.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Parisi, Benedict, Seidel, Pope–Roberts, Zigmunt, Pasch, Van Roy, Kestell, LeMahieu and Brooks.

Noes: 0.

To committee on **Rules**.

*JOE PARISI*

Chairperson

Committee on Corrections and the Courts

The committee on **Criminal Justice** reports and recommends:

### Assembly Bill 70

Relating to: adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority.

Assembly Substitute Amendment 1 adoption:

Ayes: 10 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks and Ripp.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks and Ripp.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 473**

Relating to: fees from retired law enforcement officers seeking to carry concealed weapons and making an appropriation.

Passage:

Ayes: 10 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks and Ripp.

Noes: 0.

To joint committee on **Finance**.

**Assembly Bill 474**

Relating to: carrying concealed weapons by law enforcement officers and by retired law enforcement officers.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks and Ripp.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks and Ripp.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 481**

Relating to: making crimes based on gender of victim subject to a penalty enhancer and providing a penalty.

Passage:

Ayes: 8 – Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Friske, Brooks and Ripp.

Noes: 2 – Representatives Kleefisch and Kramer.

To committee on **Rules**.

*ROBERT TURNER*  
Chairperson  
Committee on Criminal Justice

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The committee on **Health and Healthcare Reform** reports and recommends:

**Assembly Bill 614**

Relating to: disclosure of information by health care providers and insurers and providing a penalty.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

Passage as amended:

Ayes: 13 – Representatives Richards, Roys, Benedict, Shilling, Vruwink, Seidel, Pasch, Bernard Schaber, Vukmir, Rhoades, Stone, Strachota and Nygren.

Noes: 0.

To committee on **Rules**.

*JON RICHARDS*  
Chairperson  
Committee on Health and Healthcare Reform

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**MESSAGE FROM THE SENATE**

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Recedes from its position on:

Senate amendment 1 to **Assembly Bill 411**

Concurred in:

**Assembly Bill 57**  
**Assembly Bill 186**  
**Assembly Bill 419**  
**Assembly Bill 575**  
**Assembly Bill 591**

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**CHIEF CLERK REPORTS**

The Chief Clerk records:

**Assembly Bill 47**  
**Assembly Bill 198**  
**Assembly Bill 248**  
**Assembly Bill 323**  
**Assembly Bill 348**  
**Assembly Bill 362**  
**Assembly Bill 382**

Presented to the Governor on Tuesday, February 16.

*PATRICK E. FULLER*  
Assembly Chief Clerk

February 16, 2010

COMMUNICATIONS

February 16, 2010

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Chief Clerk Fuller:

Due to my temporary absence from session on February 16, 2010, I would like to take this opportunity to inform you of how I would have voted had I been present. Please include this information in the Assembly Journal.

On the following bills, I would have voted "aye" had I been present.

- Assembly Bill 447
- Assembly Bill 454
- Assembly Bill 503
- Assembly Bill 515
- Assembly Bill 650
- Assembly Bill 651
- Assembly Bill 659
- Assembly Bill 670
- Assembly Bill 104
- Senate Bill 271

Thank you for your time and attention in this matter. If you have any questions or concerns please feel free to contact me.

Sincerely,  
*PEDRO A. COLON*  
State Representative  
8th Assembly District

February 16, 2010

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-author to the following bills:

- Assembly Bill 301
- Assembly Bill 302
- Assembly Bill 735
- Senate Bill 215

Sincerely,  
*SCOTT SUDER*  
State Representative  
69th Assembly District

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Bill 697, relating to the BadgerCare Plus Basic Plan, Benchmark Plan benefits, and making an appropriation.

Sincerely,  
*ROBERT JAUCH*  
State Senator  
25th Senate District

State of Wisconsin  
Office of the Secretary of State  
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
<b>Assembly Bill 236</b> . . . . .	114 . . . . .	February 25, 2010
<b>Assembly Bill 400</b> . . . . .	117 . . . . .	February 25, 2010
<b>Assembly Bill 456</b> . . . . .	118 . . . . .	February 25, 2010
<b>Assembly Bill 332</b> . . . . .	119 . . . . .	February 25, 2010
<b>Assembly Bill 142</b> . . . . .	123 . . . . .	February 25, 2010

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

CALENDAR OF TUESDAY, FEBRUARY 16

**Senate Joint Resolution 58**

Relating to: honoring the service and safe return of Wisconsin's 32nd Infantry Brigade Combat Team from its deployment in Iraq.

The question was: Shall **Senate Joint Resolution 58** be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 58** be immediately messaged to the Senate. Granted.

Representative Barca asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

12:11 P.M.

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**RECESS**

5:03 P.M.

The Assembly reconvened.

Speaker Pro Tempore Staskunas in the chair.

Representative Nelson asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative Milroy asked unanimous consent that his leave of absence be lifted. Granted.

Representative Sinicki asked unanimous consent that her leave of absence be lifted. Granted.

Representative Roth asked unanimous consent that his leave of absence be lifted. Granted.

Representative Van Akkeren asked unanimous consent that his leave of absence be lifted. Granted.

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**Assembly Bill 447**

Relating to: payday loan providers, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a penalty.

Representative Nelson asked unanimous consent that **Assembly Bill 447** be placed at the foot of today's calendar. Granted.

**Assembly Bill 454**

Relating to: information concerning independent candidates for partisan office that appears on the ballot at elections.

The question was: Shall Assembly amendment 1 to **Assembly Bill 454** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 454** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 454** be given a third reading. Granted.

The question was: **Assembly Bill 454** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 454** be immediately messaged to the Senate. Granted.

**Assembly Bill 503**

Relating to: exposure to a minor and providing a penalty.

Representative Seidel asked unanimous consent that Assembly amendment 1 to **Assembly Bill 503** be withdrawn and returned to the author. Granted.

Assembly amendment 2 to **Assembly Bill 503** offered by Representatives Turner, Kleefisch and Staskunas.

The question was: Shall Assembly amendment 2 to **Assembly Bill 503** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 503** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 503** be given a third reading. Granted.

The question was: **Assembly Bill 503** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 503** be immediately messaged to the Senate. Granted.

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**LEAVES OF ABSENCE**

Representative Barca asked unanimous consent for a leave of absence for today's session for Representative Colon. Granted.

**Assembly Bill 515**

Relating to: reckless bodily harm to a child and providing a penalty.

Assembly amendment 1 to **Assembly Bill 515** offered by Representatives Kleefisch and Vos.

The question was: Shall Assembly amendment 1 to **Assembly Bill 515** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Berceau, Bies, Brooks, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Gunderson, Gundrum, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roth, Sherman, Shilling, Sinicki, Smith, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 78.

Noes – Representatives Benedict, Bernard Schaber, Black, Clark, Grigsby, Hebl, Hilgenberg, Hintz, Kessler,

Parisi, Pasch, Poca, Pope–Roberts, Roys, Schneider, Seidel, Soletski, Toles and Wood – 19.

Absent or not voting – Representatives Colon and Suder – 2.

Motion carried.

The question was: Shall **Assembly Bill 515** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 515** be given a third reading. Granted.

The question was: **Assembly Bill 515** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 515** be immediately messaged to the Senate. Granted.

### **Assembly Bill 650**

Relating to: person under age 18 playing bingo.

The question was: Shall **Assembly Bill 650** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 650** be given a third reading. Granted.

The question was: **Assembly Bill 650** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 650** be immediately messaged to the Senate. Granted.

### **Assembly Bill 651**

Relating to: the wholesale distribution of prescription drugs.

Representative Nelson asked unanimous consent that **Assembly Bill 651** be placed at the foot of today's calendar. Granted.

### **Assembly Bill 659**

Relating to: HIV testing, disclosure of HIV test results, and providing penalties.

The question was: Shall Assembly amendment 1 to **Assembly Bill 659** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 659** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 659** be given a third reading. Granted.

The question was: **Assembly Bill 659** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 659** be immediately messaged to the Senate. Granted.

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## **MESSAGE FROM THE SENATE**

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

### **Senate Bill 455**

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 455** be withdrawn from the Senate message and taken up at this time. Granted.

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## **ACTION ON THE SENATE MESSAGE**

### **Senate Bill 455**

Relating to: the wholesale distribution of prescription drugs.

By Senators Sullivan, Kreitlow, Carpenter, Hansen, Lassa, Lehman, Taylor, Wirch, Hopper and Schultz; cosponsored by Representatives Dexter, Colon, Berceau, Bernard Schaber, Grigsby, Hintz, Mason, Pasch, Pope–Roberts, Roys, Sinicki, Soletski, Steinbrink, Turner, Gunderson, Honadel, Kaufert, Stone, Townsend and Van Roy.

The question was: Shall **Senate Bill 455** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 455** be given a third reading. Granted.

The question was: **Senate Bill 455** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 455** be immediately messaged to the Senate. Granted.

### **Assembly Bill 651**

Relating to: the wholesale distribution of prescription drugs.

Representative Nelson asked unanimous consent that **Assembly Bill 651** be laid on the table. Granted.

**Assembly Bill 670**

Relating to: requiring sellers of residential real property to disclose whether the property is subject to a shoreland zoning mitigation plan.

The question was: Shall Assembly amendment 1 to **Assembly Bill 670** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 670** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 670** be given a third reading. Granted.

The question was: **Assembly Bill 670** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 670** be immediately messaged to the Senate. Granted.

**Assembly Bill 104**

Relating to: reporting of information by nonresident registrants under the campaign finance law.

Representative Hilgenberg asked unanimous consent to be made a coauthor of **Assembly Bill 104**. Granted.

The question was: Shall **Assembly Bill 104** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 104** be given a third reading. Granted.

The question was: **Assembly Bill 104** having been read three times, shall the bill be passed?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 104** be immediately messaged to the Senate. Granted.

**Senate Bill 271**

Relating to: prohibiting the manufacture and sale at wholesale of certain baby bottles and cups for children that contain bisphenol A, creating labeling requirements, making an appropriation, and providing penalties.

Representative Hilgenberg asked unanimous consent to be added as a cosponsor of **Senate Bill 271**. Granted.

The question was: Shall **Senate Bill 271** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 271** be given a third reading. Granted.

The question was: **Senate Bill 271** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, Vukmir, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 95.

Noes – Representatives Kleefisch and Vos – 2.

Absent or not voting – Representatives Colon and Suder – 2.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 271** be immediately messaged to the Senate. Granted.

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Representative Gottlieb asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

5:51 P.M.

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**RECESS**

8:38 P.M.

The Assembly reconvened.

Speaker Pro Tempore Staskunas in the chair.

Representative Nelson asked unanimous consent for a quorum call. Granted.

A quorum was present.

**Assembly Bill 447**

Relating to: payday loan providers, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a penalty.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 447** offered by Representative Davis.

Representative Davis asked unanimous consent that Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 447** be withdrawn and returned to the author. Granted.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 447** offered by Representatives Fields, Smith, Zepnick, Seidel, Hintz and Jorgensen.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 447** be adopted?

Motion carried.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 447** offered by Representatives Bernard Schaber, Pasch, Danou, Clark, Zigmunt, Roys, Mason, Milroy, Hubler, Schneider, Vruwink, Turner, Steinbrink, Hixson, Kessler, Benedict, Grigsby, A. Williams, Pocan, Black, Hilgenberg and Berceau.

Representative Hintz moved that Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table.

The question was: Shall Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Brooks, Davis, Dexter, Fields, J. Fitzgerald, Friske, Gottlieb, Gunderson, Gundrum, Hebl, Hintz, Honadel, Hraychuck, Huebsch, Jorgensen, Kerkman, Kestell, Kleefisch, Knodl, Kramer, LeMahieu, Lothian, Meyer, Montgomery, Mursau, Newcomer, Nygren, J. Ott, Parisi, Petersen, Pope–Roberts, Pridemore, Rhoades, Roth, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Stone, Strachota, Tauchen, Townsend, Van Akkeren, Vos, Vukmir, M. Williams, Wood, Young, Zepnick, Zipperer and Speaker Sheridan – 56.

Noes – Representatives Benedict, Berceau, Bernard Schaber, Bies, Black, Clark, Cullen, Danou, Garthwaite, Grigsby, Hilgenberg, Hixson, Hubler, Kaufert, Kessler, Krusick, Mason, Milroy, Molepske Jr., Murtha, Nass, Nelson, Nerison, A. Ott, Pasch, Petrowski, Pocan, Radcliffe, Richards, Ripp, Roys, Schneider, Spanbauer, Steinbrink, Toles, Turner, Van Roy, Vruwink, A. Williams, Ziegelbauer and Zigmunt – 41.

Absent or not voting – Representatives Colon and Suder – 2.

Motion carried.

Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 447** offered by Representative Richards.

Representative Hintz moved that Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table.

The question was: Shall Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Benedict, Bernard Schaber, Bies, Black, Brooks, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Gunderson, Gundrum, Hebl, Hintz, Honadel, Hraychuck, Huebsch, Jorgensen, Kaufert, Kerkman, Kestell, Kleefisch, Knodl, Kramer, LeMahieu, Lothian, Meyer, Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Pocan, Pridemore, Radcliffe, Rhoades, Roth, Seidel, Sherman, Shilling, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Stone, Strachota, Tauchen, Townsend, Van Akkeren, Van Roy, Vos, Vukmir, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zipperer and Speaker Sheridan – 72.

Noes – Representatives Berceau, Clark, Cullen, Grigsby, Hilgenberg, Hixson, Hubler, Kessler, Krusick, Mason, Milroy, Molepske Jr., Parisi, Pasch, Pope–Roberts, Richards, Ripp, Schneider, Sinicki, Toles, Turner, Vruwink, A. Williams and Zigmunt – 24.

Absent or not voting – Representatives Colon, Roys and Suder – 3.

Motion carried.

Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 447** offered by Representatives Gottlieb, Newcomer and Huebsch.

Representative Hintz moved that Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table.

The question was: Shall Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Black, Clark, Cullen, Danou, Dexter, Fields, Garthwaite, Grigsby, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kessler, Mason, Milroy, Molepske Jr., Murtha, Nelson, Nerison, A. Ott, Parisi, Pasch, Pocan, Pope–Roberts, Radcliffe, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, A. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt and Speaker Sheridan – 56.

Noes – Representatives Ballweg, Bies, Brooks, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Gundrum, Honadel,

Huebsch, Kaufert, Kerkman, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Meyer, Montgomery, Mursau, Nass, Newcomer, Nygren, J. Ott, Petersen, Petrowski, Pridemore, Rhoades, Spanbauer, Stone, Strachota, Tauchen, Townsend, Van Roy, Vos, Vukmir, M. Williams and Zipperer – 41.

Absent or not voting – Representatives Colon and Suder – 2.

Motion carried.

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## POINT OF ORDER

Representative Gottlieb rose to the point of order that Assembly substitute amendment 1 to **Assembly Bill 447** was not germane under Assembly Rule 54 (1) and 54 (4)(d).

Speaker Pro Tempore Staskunas ruled the point of order **not well taken**. The full text of the ruling by Speaker Pro Tempore Staskunas follows:

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## RULING ON THE POINT OF ORDER

“Under AR 54 (2), the presiding officer has the authority to rule on the admissibility of any assembly amendment or assembly substitute amendment when the question of germaneness is raised. AR 54 provides a number of tests to help the presiding officer determine whether or not an amendment is germane.

The sub does change the relating clause. However, a change in the relating clause is not necessarily enough to determine that an amendment is not germane because AR 54 (1) specifies that the change to the relating clause must be “substantially different” for an amendment to not be germane. “Substantially” is not defined in the rules and is therefore left to the judgment of the presiding officer. On this point, I refer to a ruling made by former Speaker Pro Tempore Freese on November 1, 2001. ASA 1 to 2001 AB 579 made significant changes to the relating clause of the original bill. However, the Chair ruled that the changes did not reach the level of “substantially different.”

The sub does expand the scope of the bill. However, AR 54 (3)(f) again uses the word “substantially” and specifies that an amendment must substantially expand the scope of the proposal in order to not be germane. On this point, I specifically point to the germaneness rulings on ASA 1 to 2003 AB 4, ASA 1 to 2001 AB 579, AA 17 to 1999 AB 465, ASA 2 to 1999 AB 941, and ASA 1 to 1981 AB 590. For more information, please refer to the Assembly Journals.

The original bill was introduced for the purpose of regulating the payday lending industry. The sub regulates the payday lending industry in a different manner. Therefore, the sub meets the test under AR 54 (4)(b).

The sub does amend a chapter of the statutes that is not referenced in the original bill. However, there is nothing in the rules that specifically prohibits an amendment from

amending sections of the statutes that are not referenced in the original bill. In this case, the changes to Section 20.144 will allow the Department of Financial Institutions to fulfill an important role in the regulation of the payday lending industry.

The sub provides an appropriation necessary to regulate the payday lending industry. Therefore, the sub meets the test under AR 54 (4)(d).

The sub relates to the particularized details of regulating the payday lending industry. Therefore, the sub meets the test under AR 54 (4)(e).

In conclusion, I find the gentleman’s point of order **not well taken**.”

Representative Huebsch moved that Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 447** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Bies, Brooks, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Gundrum, Honadel, Huebsch, Kaufert, Kerkman, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Meyer, Montgomery, Mursau, Nass, Newcomer, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Pridemore, Rhoades, Roth, Spanbauer, Stone, Strachota, Tauchen, Townsend, Van Roy, Vos, Vukmir, Ziegelbauer and Zipperer – 43.

Noes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Black, Clark, Cullen, Danou, Dexter, Fields, Garthwaite, Grigsby, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kessler, Mason, Milroy, Molepske Jr., Murtha, Nelson, Nerison, Parisi, Pasch, Pocan, Pope–Roberts, Radcliffe, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, A. Williams, M. Williams, Wood, Young, Zepnick, Zigmunt and Speaker Sheridan – 54.

Absent or not voting – Representatives Colon and Suder – 2.

Motion failed.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 447** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 447** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 447** be given a third reading. Granted.

The question was: **Assembly Bill 447** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Clark, Cullen, Danou, Dexter, Fields, Garthwaite, Grigsby, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kaufert, Mason, Molepske Jr., Montgomery, Murtha, Nelson, Nerison, A. Ott, Parisi, Pasch, Petrowski, Pocan, Pope–Roberts, Radcliffe, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Van Roy, Vruwink, M. Williams, Wood, Young, Zepnick, Zigmunt and Speaker Sheridan – 59.

Noes – Representatives Ballweg, Brooks, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Gundrum, Honadel, Huebsch, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Meyer, Milroy, Mursau, Nass, Newcomer, Nygren, J. Ott, Petersen, Pridemore, Rhoades, Stone, Strachota, Tauchen, Townsend, Vos, Vukmir, A. Williams, Ziegelbauer and Zipperer – 38.

Absent or not voting – Representatives Colon and Suder – 2.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 447** be immediately messaged to the Senate. Granted.

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## VISITORS

During today’s session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Library Legislative Day participants, including Mark Ibach and Terri McIlroy from Sun Prairie and Susan Santner from Oregon, guests of Representative Hebl.

Andrew Glazner from Mosinee, Senate Scholar Program participant, guest of Representative Petrowski.

Beth Lissick, Amanda Lissick and Matthew Fischer, sister, niece and niece’s son and guests of Representative Hraychuck.

Nicole Lewis from Fontana, Senate Scholar Program participant, guest of Representative Lothian.

Zack Henderson from Sun Prairie, Senate Scholar Program participant, guest of Representative Hebl.

Lindsey Berg from Waukesha, Senate Scholar Program participant, guest of Representative Newcomer.

Anthony DeBruzzi from Cumberland, Senate Scholar Program participant, guest of Representative Hubler.

Valerie Rucinski from Cameron, Senate Scholar Program participant, guest of Representative Hubler.

Tyler Coppens from Niagara, Senate Scholar Program participant, guest of Representative Mursau.

Matthew Steinmetz from Boyd, Senate Scholar Program participant, guest of Representative Kleefisch.

Mike Turner from Reedsburg, Senate Scholar Program participant, guest of Representative Garthwaite.

Kutay Muslu from Platteville, Senate Scholar Program participant, guest of Representative Garthwaite.

Mitchell Pignotti from Whitefish Bay, Senate Scholar Program participant, guest of Representative Pasch.

Erin Baumann from Mequon, Senate Scholar Program participant, guest of Representative J. Ott.

Former State Representative Dan Vrakas and Tina Weissgerber, guests of Representative Newcomer.

Michael Puck, intern and guest of Representative Ripp.

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## ANNOUNCEMENTS

Representative Hebl asked unanimous consent that the Assembly adjourn in memory of Henry Busch, also known as “Mr. Sports” for his nearly 50 years of service to youth and recreational organizations in the Madison area, who passed away on February 6th. Granted.

Representative Strachota asked unanimous consent that the Assembly adjourn in honor of her first grandchild, Sophia Marie Benz, who was born on January 29. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of Brennan Price and Joey Felton, the owners of The Clubhouse at 526 South Whitcomb. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of his son, Michael Montgomery. Granted.

Representatives Montgomery and Townsend asked unanimous consent that the Assembly adjourn in honor of the Fond du Lac Blades Synchronized Skating Team, who won 1st Place at the 2010 Midwest Regional Synchronized Skating Championships. They will compete at the National level on March 4. Granted.

Representative Hixson asked unanimous consent that the Assembly adjourn in honor of Phill Klamm, an instructor in the Edgerton School District’s Alternative Program, and Matt Werner, a Milton High School teacher, who founded a charity, Wrestling the World, which is now working to provide aid for Haiti with their program, “Pancake the Quake.” Granted.

Representative Hixson asked unanimous consent that the Assembly adjourn in honor of Brian Snyder, a Beloit veteran who was hired as a full-time firefighter for the Town of Beloit. Mr. Snyder, who recently returned from Iraq, has been in the Army and Army National Guard for 18 years, where he served two tours of duty in Iraq and earned a bronze star. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of the Sun Prairie High School

wrestling team who won the Big Eight Conference wrestling tournament. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Pete Simon, co-owner of the Prairie Athletic Club (PAC) who was presented with a "Patriot Award" from the Wisconsin Committee of Employer Support of the Guard and Reserve, a Department of Defense volunteer organization. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Officer Michelle Wilson recognized with the Exchange Club Police Officer of the Year Award. The award is presented to an officer that consistently excels in teamwork, performs at a high level, and always pursues the overall mission of the Sun Prairie Police Department. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Horizon Elementary and

Westside Elementary schools for raising over \$2,000 for Haiti relief efforts. Granted.

Representative Kleefisch asked unanimous consent that the Assembly adjourn in honor of Karlie Koenig from Oconomowoc, who will be competing in the 2010 United States Curling Nationals in Kalamazoo, Michigan. Granted.

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## ADJOURNMENT

Representative Nelson moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, February 18.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

9:31 P.M.